UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,826	12/31/2003	David L. Robison	PERZ 2 00275	1829

7590 11/12/2004

Christopher B. Fagan, Esq.
Fay, Sharpe, Fagan, Minnich & McKee, LLP
Seventh Floor
1100 Superior Avenue
Cleveland, OH 44114-2518

EXAMINER	
DUNWOODY, AARON M	

ART UNIT	PAPER NUMBER
3679	

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/749,826	ROBISON, DAVID L
	Examiner	Art Unit
	Aaron M Dunwoody	3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) *21-23* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5-9 and 12-18* is/are rejected.

7)☒ Claim(s) *2-4,10,11,19 and 20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 December 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/31/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-20, drawn to a connector, classified in class 285, subclass 342.

II. Claims 21-23, drawn to a method of installing a connector on an end of an associated fluid line, classified in class 29, subclass 890.043.

The inventions are distinct, each from the other because of the following reasons:

Inventions Group II and Group I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process which does not require observing the indicator.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Christopher B. Fegan on 11/2/2004 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-20. Affirmation of this election must be made by applicant in replying to this Office action. Claim21-23 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Priority

No priority claimed.

Information Disclosure Statement

The information disclosure statement (IDS) filed 12/31/2003 is being considered by the examiner.

Drawings

The drawings are objected to because crosshatch is missing from Figures 1 and 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

Page 9 recites, "tubing end 108 is clearly visible by its contrasting through window 148 as indicated by arrow 108A"; however, arrow 108A is not illustrated.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-9 and 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 6142538, Volgstadt et al.

In regards to claim 1, Volgstadt et al disclose a connector adapted for use with an associated fluid line; the connector comprising:

a connector body (212, 224) having a passage dimensioned to receive the associated fluid line;

a capturing member (28") supported on the connector body and suitable for retaining the associated fluid line in the passage;

a sealing member (218) disposed within the passage and suitable for forming a fluidtight seal between the connector body and the associated fluid line;

a stiffening member (36") disposed within the connector body along the passage; and,

an indicator (220) adapted to indicate that the associated fluid line has been received a predetermined distance into the passage.

In regards to claim 5, Volgstadt et al disclose the capturing member including a radially inwardly extending annular tooth suitable for engaging the associated fluid line.

In regards to claim 6, Volgstadt et al disclose the capturing member including a frustoconical external wall.

In regards to claim 7, Volgstadt et al disclose the connector body including a frustoconical internal wall portion (226) cooperable with the frustoconical external wall of the capturing member.

In regards to claim 8, Volgstadt et al disclose a connector adapted for use with an associated fluid line having an inside wall and an outside wall, the connector comprising:

a connector body having a passage extending therethrough, the passage dimensioned to receive the associated fluid line;

a capturing member supported on the connector body and suitable for retaining the associated fluid line in the passage;

a sealing member disposed within the passage and suitable for forming a fluidtight seal between the connector body and the outside wall of the associated fluid line;

a stiffening member disposed within the passage and at least a portion of the stiffening member is dimensioned to be received within the inside wall of the associated fluid line; and,

an indicator disposed within the connector body and adapted to indicate that the associated fluid line has been received a predetermined distance into the passage.

In regards to claim 9, Volgstadt et al disclose the stiffening member having a flange portion and a sleeve portion.

In regards to claim 12, Volgstadt et al disclose the connector body having a first body portion and a second body portion, and the passage extends at least partially through each of the first and second portions.

In regards to claim 13, Volgstadt et al disclose the first body portion including a shoulder (228) disposed along the passage.

In regards to claim 14, Volgstadt et al disclose the second body portion having an axially extending projection adapted to support an associated sheath of the fluid line.

In regards to claim 15, Volgstadt et al disclose the capturing member including a frustoconical outer wall and a plurality of radially inwardly extending annular teeth adapted for engaging the outer surface of the associated fluid line.

In regards to claim 16, Volgstadt et al disclose the connector body including a frustoconical inside wall portion cooperable with the frustoconical outer wall of the capturing member.

In regards to claim 17, Volgstadt et al disclose a retaining member disposed within the passage, the retaining member having a radially inwardly projecting edge adapted to engage the outer wall of the associated fluid line.

In regards to claim 18, Volgstadt et al disclose a connector adapted for use with an associated fluid line having an inside wall and an outside wall, the connector comprising:

a connector body having a first end adapted to receive the associated fluid line, a second end opposite the first end, a passage extending through the connector body between the first and second ends, and a shoulder within the passage between the first and second ends;

a capturing member supported on the connector body, the capturing member adapted to engage the outside wall of the associated fluid line to retain the associated fluid line in the passage;

a sealing member disposed within the passage and suitable for forming a fluidtight seal between the connector body and the associated fluid line;

a stiffening member having a sleeve portion and a flange portion, the stiffening member is positioned within the passage such that the flange portion is adjacent the shoulder, the sleeve portion dimension to be received within the inside wall of the associated fluid line; and,

an indicator disposed within the passage and adapted to indicate that the associated fluid line has been received a predetermined distance into the passage.

Allowable Subject Matter

Claims 2-4, 10, 11, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 703-306-3436. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-306-5771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aaron M Dunwoody
Examiner
Art Unit 3679

.amd